

EXHIBIT F



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**Re: *In re: Valsartan, Losartan, and Irbesartan Products Liability Litigation*,
No. 1:19-md-02875-RBK-SAK (D.N.J.)**

Dear Counsel:

On behalf of the Pharmacy Defendants, we write as a follow-up to Greg Ostfeld's letter sent earlier today regarding Plaintiffs' Motion for Approval of Form and Manner of Class Notice [Dkt. 2375] and the accompanying exhibits (collectively, the "Notice Plan"). We echo the comments the manufacturers make and a representative from the Pharmacy Defendants would like to participate in any meet and confer you schedule with representatives of the manufacturer defendants. Someone from the Pharmacy Defendants will make themselves available during the time proposed on Friday, May 12, from 12:00 pm to 6:00 pm ET.

In addition to the requests in Mr. Ostfeld's letter, and putting aside for now Plaintiffs' proposed notice's mischaracterization of at least two Pharmacy Defendants (naming Express Scripts as a "Wholesaler Defendant" for Medical Monitoring claims and naming Rite-Aid as a Medical Monitoring Defendant at all, see Doc. 2375-4 at p. 44), we have specific questions regarding the interplay between the production of "previously redacted retailer identifiers of ConEcoLoss members" and the Notice Plan. The Pharmacy Defendants have been meeting and conferring with Plaintiff's counsel regarding provision of information sufficient to identify individuals within the putative Consumer Economic Loss class action as ordered by the Court. Just this morning, we circulated a proposed order to Dave Stanoch and Layne Hilton that addresses HIPAA concerns regarding the production of Protected Health Information. We circulated that order based on representations from Plaintiffs that "this information relates to the dissemination of class notice to economic loss class members." See Status Update Letter to Judge Vanaskie from Adam Slater, ECF No. 2374, at 3. Included within the Proposed Order was

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language for Judge Kugler to specifically find that the ordered disclosure is the minimum necessary information to accomplish the stated purpose of the litigation.

The Pharmacy Defendants are therefore puzzled by the proposed notice, which does not reference mailing or emailing putative members of the consumer economic loss class but instead relies solely on a media campaign to reach putative class members, at least according to our understanding of the filing. If that understanding is not correct, please clarify. Regardless, please clarify if and how you intend to use mailing addresses and email addresses within the previously produced dispensing data. To the extent that mailing and email addresses were not within the previously produced dispensing data, the Pharmacy Defendants do not wish to pull those addresses separately if Plaintiffs will not actually use those addresses for notice purposes. Even putting aside burden, there are significant HIPAA and other privacy concerns associated with the production of addresses if those addresses are not to be used for notice purposes.

Like the manufacturer defendants, the Pharmacy Defendants are reviewing additional materials submitted in connection with the Notice Plan and will provide separate comments to those at a later date. In the meantime, please let us know when we can meet and confer regarding the interplay between the Notice Plan and production of “previously redacted retailer identifiers of ConEcoLoss members.”

Sincerely,

/s/ Kristen L. Richer

Kristen L. Richer

cc: PEC (valpec@kirtlandpackard.com)
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